

REMARKS

Initially, in the Office Action dated September 25, 2003, the Examiner rejects claims 12, 17, 18, 23 and 24 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,965,858 (Suzuki et al.). Claims 13-16, 20-22 and 26-28 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki et al.

35 U.S.C. §102 Rejections

Claims 12, 17, 18, 23 and 24 have been rejected under 35 U.S.C. §102(e) as being unpatentable over Suzuki et al. Applicants respectfully traverse these rejections.

Suzuki et al. discloses promoting a proper recycle of a discarded article and contributing economization of energy consumption which will otherwise increase, reduction in the amount of wastes and prevention of environmental pollution due to harmful substances. The recycle system includes an input for inputting information concerning article, a storage for storing databases of information for reuse of the articles, a recycle processing method deciding processor for deciding a recycle processing for the article, and a recycle factory equipment control unit functioning as an output unit for outputting the result of the decision to a succeeding process.

Regarding claims 12, 17 and 23, Applicants submit that Suzuki et al. does not disclose or suggest the limitations in the combination of each of these claims of, inter alia, settling of accounts related to processes performed by organizations recycling a used product that includes transmitting sales information including identifying information of the recycling product and a processing fee of the recycling product, a

recycling certificate having the identifying information of the recycling product and the processing fee which represents a purchase of recycling services, and the recycling certificate management system managing a processing state of the recycling product; reading, by a receiving organization server managed by a receiving organization, the identifying information from the recycling certificate when the receiving organization receives the recycling product from a discharger; transmitting, from the receiving organization server through the network to the recycling certificate management system, receiving information indicating that the receiving organization received the recycling product containing the read identifying information; recording the receiving information in a database in the recycling certificate management system; reading the identifying information from the recycling certificate by a product distributing organization server managed by a product distributing organization when the product distributing organization carrying the recycling product to the recycling organization receives the recycling product from the receiving organization; transmitting, from the product distributing organization to the recycling certificate management system, take-over information indicating that the product distributing organization received the recycling product containing the read identifying information; calculating a receiving fee accrued at the receiving organization by the recycling certificate management system when the recycling certificate management system receives the take-over information and the receiving information is recorded in the database; recording the take-over information in the database; reading the identifying information from the recycling certificate by the

recycling organization server managed by the recycling organization when the recycling organization receives the recycling product from the product distributing organization; transmitting, from the recycling organization server to the recycling certificate management system, incoming product information indicating that the recycling organization receives the recycling product containing the read identifying information; calculating a product distributing fee for the product distributing organization by the recycling certificate management system when the recycling certificate management system receives the incoming product information and the take-over information is recorded in the database; or settling of accounts by the recycling certificate management system in accordance with a recycle certificate sales price for the recycle certificate by paying the processing fee, the receiving fee, and the product distributing fee to the recycling organization, the receiving organization, and the product distributing organization respectively.

Applicants assert that the Examiner has failed to issue a proper §102 rejection in that the Examiner fails to specifically point out and identify in the cited reference specific portions of the reference and how they relate to or disclose each specific limitation in the claims of the present application. The Examiner simply refers to certain portions of Suzuki et al. and then primarily cites these as disclosing every limitation in the claims of the present application. For example, the Examiner asserts that all of the limitations in claim 12 of the present application are disclosed in Suzuki et al. in the Abstract, col. 5, line 1 - col. 6, line 16, col. 9, lines 29-36, col. 9, line 60 - col. 10, line 25, col. 21, line 61 - col. 22, line 47. For every limitation in claim

12 of the present application, the Examiner asserts the same portions of Suzuki et al. and adds some other portions to these in some of the limitations. The Examiner has not specifically pointed out in the cited reference where each specific limitation in the claims of the present application is disclosed, but has cited a group of portions of the reference and asserts that this group discloses all the limitations. This is an improper § 102 rejection.

The present invention and the disclosure in Suzuki et al. are quite different. The present invention relates to settling accounts related to processes performed by organizations during recycling a used product. Suzuki et al. relates to recycling of discarded articles and realizing proper disposal processes or treatments of the discarded articles by deciding a recycle processing for the purpose of determining capability/allowability of reuse of an article. The recycle decision is in accordance with processing rules 1-6 (see col. 6, lines 19-43). Specifically deciding which process should be applied to the discarded article. This is not settling accounts to a processing fee expended on processes performed by organizations recycling a used product, as recited in the limitations in the claims of the present application.

As noted previously, the Examiner cites, for the most part, the same portions of Suzuki et al. as disclosing every limitation in the claims of the present application. The Abstract of Suzuki et al. merely discloses the overview of Suzuki et al.'s recycling system and the elements used during the recycling method for deciding a recycling processing for the article in accordance with the recycling rules. The other portions cited include disclosure relating to Fig. 1 illustrating the deciding process

based on the rules according to Suzuki et al., the various databases used for storing various information to help in the decision process of the discarded articles, that the material/part/based recycle method database is designed to store information concerning the recycle processing method on a material/part basis, disclosure relating to the article information and article information history and how it is used by the recycle method decision processor unit to determine the appropriate recycling for the discarded article, and col. 40, lines 6-29 (used in the rejection of claim 12) discloses details related to the disassembling costs involved in separating or detaching the part from the discarded article, as well as the fee charged for transportation. These costs are estimated by calculation where the costs corresponding to the sum of the disassembling cost and the transportation fee is compared with the purchase price of the used part dealers for determining whether or not profit is resulted. When the profit is gained, then the part concerned is decided. None of these portions of Suzuki et al. disclose or suggest anything related to a recycling certificate sales system, transmitting identifying information of a recycling product and a processing fee of the recycling product, a recycling certificate having the identification information and the processing fee which represents the purchase of recycling services, a receiving organization server receiving the identification information, recording receiving information in a database in a recycling certificate management system, a product distributing organization server with the associated functions recited in the limitations in the claims of the present application, transmitting takeover information indicating that the product

distributing organization received the recycling product, calculating a receiving fee accrued at the receiving organization, recording the takeover information in a database, transmitting from a recycling organizations server to a recycling certificate management system, incoming product information indicating that the recycling organization receives the recycling product containing the read identifying information, calculating a product distribution fee for the product distributing organization by the recycling certificate management system, or settling of accounts by the recycling certificate management system in accordance with a recycle certificate sales price for the recycle certificate by paying the processing fee, the receiving fee and the product distributing fee to the recycling organization, the receiving organization and the product distributing organization respectively. As noted previously, Suzuki et al. does not relate at all to settling of accounts, as disclosed in the limitations in the claims of the present application. Suzuki et al. relates to receiving a discarded article, breaking the discarded article into various parts if appropriate and deciding appropriate recycling of each part depending upon what the part characteristics are, and whether a profit would result from the recycling as compared with a purchase price from used part dealers. None of the limitations in the claims of the present application are disclosed or suggested by Suzuki et al.

Regarding claims 18 and 24, Applicants submit that these claims are dependent on one of independent claims 17 and 23 and, therefore, are patentable at least for the same reasons noted regarding these independent claims.

Accordingly, Applicants submit that Suzuki et al. does not disclose or suggest the limitations in the combination of each of claims 12, 17, 18, 23 and 24 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

35 U.S.C. §103 Rejections

Claims 13-16, 20-22 and 26-28 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki et al. Applicants respectfully traverse these rejections. Applicants point out that again the Examiner fails to issue a proper rejection in that the Examiner summarily states that Suzuki et al. teaches all the limitations in these claims without pointing out specific portions in the cited reference that the Examiner asserts discloses these limitations. Applicants submit that these claims are dependent on one of independent claims 12, 17 and 23 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. Accordingly, Applicants submit that Suzuki et al. does not disclose, suggest or render obvious, the limitations in the combination of each of claims 13-16, 20-22 and 26-28 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicants submit that claims 12-18 and 20-28 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

U.S. Application No. 09/648,484

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 500.38950X00).

Respectfully submitted,

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